



Illinois Department of Natural Resources

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<http://dnr.state.il.us>

Pat Quinn, Governor
Marc Miller, Director

December 13, 2011

Ms. Kim Scharlow
Zoning Department
McHenry County Department of Planning & Development
2200 North Seminary Avenue
Woodstock, IL 60098

Re: Richmond Hunting Club, Conditional Use Permit (after-the-fact) for Shooting Range (Sporting Clay, Airsoft, & Paintball Fields) - Richmond
Endangered Species Consultation Program
Project Number(s): 1201513
County: McHenry

Dear Ms. Scharlow:

The Department received your submission, via the Department's Ecological Compliance Assessment Tool (EcoCAT) website, on behalf of McHenry County, regarding this project in Section 10, Township 46 North, Range 8 East for consultation in accordance with the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and Title 17 *Illinois Administrative Code* Part 1075.

The project involves a Conditional Use Permit zoning action for the operation of a paintball/sporting clay/airsoft field on 97.91 acres located south of Route 173 and inbetween Route 12 and North Solon Road. The sporting clay portion of the business will be in operation year-round. Sporting clay activities have been ongoing on this parcel, and the parcel directly north of it, for approximately 40 years. The owner incorrectly assumed that the southern portion was covered within the CUP for the northern sect, thus the need for a special permit. The paintball and airsoft activities are more recent activities and will be in operation between April 1 – October 31. Hunting is allowed in this southern portion when paintball activities have ceased for the season.

This project is located south/southwest of **Elizabeth Lake Illinois Natural Area Inventory (INAI) site and Nature Preserve**, and east and north of the **North Branch of Nippersink Creek INAI Site**. According to the McHenry County Soil & Water Conservation District, the parcel contains a large wetland complex of high quality wetlands, high quality streams, high functional value wetlands and other smaller wetland pockets (ADID 87 and ADID 166). The hunt club is within the vicinity of records of protected species, including the State-listed endangered **Black Tern**, *Chlidonias niger*, **Forster's Tern**, *Sterna forsteri*, and **Blanding's Turtle**, *Emydoidea blandingii*. Further it is within the vicinity of the State-listed threatened **Least Bittern**, *Ixobrychus exilis*, and **Starhead Topminnow**, *Fundulus dispar*. There is a possibility that Blacknose Shiner (endangered), Blackchin Shiner (threatened), Iowa Darter (threatened) and Banded Killifish (threatened) could also be within on-site streams since they inhabit streams upstream of the site.

The Department has completed its review of the project and determined that the action may have an adverse impact on the above-listed birds, above-listed fish, Blanding's Turtles, and the North Branch of the Nippersink Creek INAI Site. The Department has concerns regarding:

- the additional noise that will result from an increase in shotgun activities on this parcel and how this may impact listed species. The nearest sporting clay structures are only approximately 800' – 1,600' from records;
- the potential for thousands of steel (sporting clay), paint (paintball), and plastic (airsoft) pellets to accumulate on land and have the potential to wash into high quality wetlands and streams. These pellets may also be ingested by terrestrial or aquatic wildlife, of which the impacts from ingestion of pellets are not fully understood;
- the potential for lead shot pellets that have accumulated on the parcel to be disturbed, and resurrected, within the terrestrial environment and/or washed into wetland environments by year-round activities;
- erosion, sedimentation, and compaction issues, in uplands and within wetlands, from an increase in participant use on site; and
- the potential to take a listed species. Take, in reference to animals, is defined by the Illinois Endangered Species Protection Act as *to harm, hunt, shoot, pursue, lure, wound, kill, destroy, harass, gig, spear, ensnare, trap, capture, collect, or to attempt to engage in such conduct.*

To minimize potential impacts, the Department recommends the following measures be implemented by the owner of the Richmond Hunting Club, Inc. and RHC Paintball Fields, and incorporated in the County's project authorization.

1. A site management plan for responding to potential encounters with any of the above-noted listed species, should be prepared, and discussed, with all on-site staff, including mowing staff. A copy of the draft should be forwarded to the Department for review. If any listed species are encountered on site, staff should be instructed to immediately stop activities and contact the Department's District Heritage Biologist (Brad Semel, 815/675-2386, ext. 317) – keeping in mind it is a criminal act to handle a listed species. The McHenry County Conservation District can also be contacted for assistance (Brad Woodson, 815/653-2297, ext. 11 or Sara Denham, 815/728-8307). If possible, staff should take a picture of the animal, mark where they first saw the species, the last spot it was seen, and watch it until the proper authority arrives to handle the situation. Staff, and participants, should also be aware that collection of listed species is prohibited by law.
2. The area may contain Blanding's Turtle nest sites or route(s) to nesting sites within the vicinity of this parcel since records for this species exist north and south and in many streams within the county. Transiting turtles are a concern during spring, summer and fall as they travel to and from wetlands and upland areas. Any future disking, digging, or construction-related activities should be conducted in the late fall and winter when this species is not active. Staff mowing grounds should be aware of the potential presence of Blanding's Turtles on site and use caution each time.
3. If streams need to be crossed, the Department recommends the installation of con-span bridges at several locations to avoid activities within streams and wetlands. Staff and participants should be prohibited from traversing, playing or shooting within or near streams. Basic ingredients for paintballs involve water soluble paint, mineral oils, food coloring, calcium, ethylene glycol, and iodine, which cumulatively could impact downstream aquatic resources.

4. Buffers should be established, and clearly marked (or pointed out during instruction periods to participants), around all streams and wetlands to prevent compaction, erosion, sedimentation, paint, and pellet accumulation.
5. It is the Department's understanding that lead shot has not been allowed on site for approximately 10 years; Participants are currently only allowed to use steel shot for sporting clay. The Department recommends that this statement be verified by the county and a copy of the site's Phase II Environmental Site Assessment be available for review.

Consultation on the part of the Department is completed. In accordance with 17 Ill. Adm. Code 1075.40(h), McHenry County must notify the Department of its decision regarding these recommendations, whether they will:

- Allow the action to proceed as originally planned;
- Require the action to be modified per Department recommendations (please specify which measures if not all will be required); or
- Forgo the action.

This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resources review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected species are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this consultation review.

Cordially,



Kathi Davis
Division of Ecosystems and Environment
Impact Assessment Section
Office of Realty & Environmental Planning
217-785-5500

enclosure

cc: Brad Semel, IDNR/Region II/Natural Heritage
Ray Eisbrener, IDNR/Region II/Wildlife
Steve Pescitelli, IDNR/Region II/Streams
Andrew Plauck, IDNR/Region II/Fisheries
Steve Byers, Illinois Nature Preserves Commission

Dennis Sandquist, McHenry County Dept. of Planning & Development
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Elizabeth Kessler, McHenry County Conservation District
Richard Wonderlic, Richmond Hunting Club, Inc.
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